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Canada: draft resolution

Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the International Bill of Human Rights,[1] the Convention on the Prevention and Punishment of the Crime of Genocide[2] and other applicable human rights and humanitarian law standards,

Mindful that Rwanda is a party to the International Covenant on Civil and Political Rights,[3] the International Covenant on Economic, Social and Cultural Rights,[3] the International Convention on the Elimination of All Forms of Racial Discrimination,[4] the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Rights of the Child[5] and the Convention on the Elimination of All Forms of Discrimination against Women,[6]

Recalling its resolution 53/156 of 9 December 1998 and relevant previous resolutions, and taking note of Commission on Human Rights resolution 1999/20 of 23 April 1999,[7]

Reaffirming that the promotion and protection of human rights are necessary for sustaining the process of national reconstruction and reconciliation in Rwanda,

Noting with satisfaction the commitment of the Government of Rwanda to promote and protect respect for human rights and fundamental freedoms as well as to eliminate

[1] See resolutions 217 A (III), 2200 A (XXI), annex, and 44/128, annex.
[2] Resolution 260 A (III).
[3] Resolution 2200 A (XXI), annex.
[4] Resolution 2106 A (XX), annex.
[5] Resolution 44/25, annex.
[6] Resolution 34/180, annex.
[7] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

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impunity, the progress made towards the development of a State governed on the basis of the rule of law, and efforts undertaken to consolidate peace and stability and promote unity and reconciliation,

Taking into account the regional dimension of the human rights issues in the Great Lakes region, while underlining the primary responsibility of States for the promotion and protection of human rights,

Recognizing that the promotion and protection of human rights for all are essential for achieving stability and security in the Great Lakes region,

1. *Takes note with appreciation* of the report of the Special Representative on Rwanda of the Commission on Human Rights;[8]

2. *Reiterates* its strong condemnation of the crime of genocide and the crimes against humanity committed in Rwanda in 1994;

3. *Expresses continuing concern* at the violations of human rights and international humanitarian law in Rwanda, including the general conditions of detention and the judicial process of those accused of genocide and crimes against humanity, and urges the Government of Rwanda to continue to investigate and prosecute violations of human rights and international humanitarian law;

4. *Reiterates its request* that all States cooperate fully, without delay, with the Government of Rwanda and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 in ensuring that all those responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process, and encourages the Secretary-General to facilitate the activities of the International Tribunal for Rwanda to the greatest extent possible;

5. *Notes* the efforts which the International Tribunal for Rwanda has made to improve its performance, and encourages further measures to enhance its efficiency;

6. *Expresses satisfaction* with the signature of a memorandum of understanding between the Government of Rwanda and the International Tribunal for Rwanda concerning United Nations activities in Rwanda, such as the protection of visiting judges and prosecutors, functional and diplomatic immunity and protection of United Nations premises, and welcomes the appointment of a Government of Rwanda representative to the International Tribunal for Rwanda;

7. *Welcomes* the continuation of domestic trials of those suspected of genocide and crimes against humanity and the improvements that have been made in the trial process, and encourages the Government of Rwanda, with the support of the international community, to strengthen the capacity of the independent judicial system in accordance with international human rights standards;

8. *Urges* the Government of Rwanda and invites the International Tribunal for Rwanda to give utmost priority to the prosecution and punishment of crimes of sexual violence committed against women, in line with the recommendations of the Special Rapporteur on violence against women, its causes and consequences, and welcomes the

[8] A/54/359.

decision of the International Tribunal for Rwanda to give a broad definition to acts of sexual violence;

9. *Notes* the deliberations now ongoing in Rwanda to determine new mechanisms to handle the large caseload of detainees awaiting trial on genocide and related charges in a more expeditious manner, notes in this regard the Government of Rwanda's proposal to establish a complementary system of participatory justice, and urges the Government of Rwanda to ensure that any such system is in conformity with the law and international human rights standards;

10. *Reiterates its appeal* to the international community to provide financial and technical assistance to the Government of Rwanda within a mutually agreed framework of cooperation to help promote the rule of law in Rwanda by strengthening the administration of justice, including with regard to adequate access to legal representation and the protection of witnesses, and notes with appreciation the assistance already provided by some members of the donor community;

11. *Calls upon* the Government of Rwanda to further promote the rule of law by strengthening the administration of justice, including access to legal representation and the protection of witnesses;

12. *Takes note with great concern* of the report of the investigative team of the Secretary General,[9] and calls upon the Government of Rwanda to respond to this report;

13. *Welcomes* the continuing efforts of the Government of Rwanda to build a State based on the rule of law and the guarantee of respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and other relevant international human rights instruments, notes that in July 1999 the Transitional Government mandate was extended for a further four years, and encourages the Government of Rwanda to establish constitutional and electoral commissions to set out its agenda for a transitional period and to work towards democratization;

14. *Takes note of* the Government of Rwanda's holding elections at the cell and sector levels in a peaceful and successful manner, and encourages the Government of Rwanda to continue its democratization process by conducting free and fair elections at the commune and prefecture levels;

15. *Encourages* the Government of Rwanda to guarantee all freedoms of expression and opinion, including the freedom of the press;

16. *Welcomes* the efforts of the Government of Rwanda to ensure greater legal access of women to their husbands' and parents' property, in particular through the adoption of the Law on Matrimonial Property and Succession;

17. *Commends* the Government of Rwanda on its continued efforts to improve the situation of children, and encourages it to continue further with these efforts, guided by a concern for the best interests of children, as specified in the Convention on the Rights of the Child;[5]

18. *Welcomes* the policy announcement by the Government of Rwanda to demobilize all child soldiers, and urges the Government of Rwanda to fully implement this policy;

19. *Welcomes* the establishment by legislation of the National Human Rights Commission, encourages the Government of Rwanda to provide its full support to the mandate of the National Human Rights Commission to enable it to monitor human rights

[9] S/1998/581, annex.

in the country effectively and independently, in accordance with internationally recognized norms, notes the holding of a National Human Rights Commission round table in October 1999, and urges the Government of Rwanda to follow its recommendations to address weakness in legislation;

20. *Encourages* the Government of Rwanda to seek the cooperation of Governments, international organizations and non governmental organizations to provide, within a mutually agreed framework of cooperation, the financial and technical support necessary for the reconstruction of a human rights infrastructure, including a strong civil society, in particular for the effective functioning of the National Human Rights Commission;

21. *Encourages* the Government of Rwanda to cooperate fully with the Office of the United Nations High Commissioner for Human Rights, and in this regard notes with appreciation the continuing assistance provided to the National Human Rights Commission by the High Commissioner;

22. *Encourages* the Government of Rwanda to continue to promote national unity and reconciliation, and welcomes the establishment by legislation of the National Unity and Reconciliation Commission as a basis for promotion of tolerance and non-discrimination;

23. *Encourages* the National Unity and Reconciliation Commission and the National Human Rights Commission to work closely together to ensure complementarity of their efforts;

24. *While noting* the efforts of the Government of Rwanda to improve prison administration, reiterates its concern at the large number of detainees, the severe conditions of prison and detention and treatment of persons in prison and detention, and calls upon the Government of Rwanda to continue its efforts to improve prison and detention conditions in accordance with international human rights standards;

25. *Encourages* the continuing efforts of the Government of Rwanda to reduce the prison population by releasing minors, elderly prisoners, prisoners suffering from terminal illnesses and suspects with incomplete files who were detained for their alleged involvement in genocide and other abuses of human rights, and reaffirms the urgent need to complete a dossier for every detainee with a view to identifying those who should be formally charged and those who should be released immediately, early or conditionally;

26. *Urges* the Government of Rwanda to ensure that civil defence patrols in the north-west part of the country are properly controlled and held accountable for their actions;

27. *Expresses its concern* at the human rights violations committed against refugees and displaced persons returning to their community, and calls upon the Government of Rwanda to protect and promote the human rights of all in its territory;

28. *Notes* that the Government of Rwanda is regrouping scattered rural populations in the country under a programme of villagization, and urges the Government of Rwanda to ensure that the human rights and fundamental freedoms of all are respected in the implementation of this programme;

29. *Calls upon* the Government of Rwanda to continue its close cooperation with the Special Representative and United Nations human rights mechanisms and all relevant national and international bodies, regarding the functioning of the National Human Rights Commission;

30. *Decides* to keep the situation of human rights in Rwanda under consideration at its fifty-fifth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.